

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
Milwaukee Division

**DANIEL MATTHEW VOORHEES
abo M/Y BROADWATER, and
BROADWATER MARINE, LTD.**

CASE NO.

Plaintiffs,

v.

ACE AMERICAN INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

COMES NOW Defendant, ACE AMERICAN INSURANCE COMPANY (“ACE”), a foreign corporation, and hereby gives Notice of Removal of Case No. 2015CV007217 from the Circuit Court of the First Judicial Circuit in and for Milwaukee County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin, Milwaukee Division, pursuant to 28 U.S.C. §§ 1441, 1446 and 28 U.S.C. § 1332(a), and E.D. Wis. Civil L. R. 8 (Local Rules), in support thereof, Defendant states as follows:

1. On or about, September 3, 2015, Plaintiffs, Daniel Matthew Voorhees abo M/Y Broadwater and Broadwater Marine, Ltd., filed suit against ACE in the Circuit Court of the First Judicial Circuit in and for Milwaukee County, Wisconsin, where the action is now pending under Case Number: 2015CV007217.
2. ACE received a copy of the Summons, Complaint and Exhibits on or about September 11, 2015. In accordance with 28 U.S.C. § 1446 and E.D. Wis. Civil L. R. 8, a complete copy of Plaintiffs’ Summons, Complaint and Exhibits is attached hereto as Exhibit A.

3. This Notice is filed within 30 days after service of the Complaint and is timely. 28 U.S.C. § 1446(b).

DIVERSITY | Complete Diversity Exists between the Parties

4. Defendant ACE is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania.
5. Plaintiff Daniel Matthew Voorhees is the owner of M/Y Broadwater and a citizen of the District of Columbia.
6. Plaintiff Broadwater Marine, Ltd., is a Cayman Islands holding company that is incorporated in Cayman Islands and has its principal place of business in the Cayman Islands.
7. Complete diversity exists between the parties in accordance with 28 U.S.C. § 1332.

AMOUNT IN CONTROVERSY | Plaintiffs' Action Seeks Damages in Excess of \$75,000

8. This is a breach of contract action stemming from alleged damages to the yacht M/Y Broadwater.
9. Damages in controversy being sought by the Plaintiffs approximate or exceed \$1,000,000.00.* 28 U.S.C. § 1332(a).

This Court has jurisdiction over this matter, removal is proper, and Defendant hereby requests same.

Contemporaneously herewith, Defendant is providing notice to all parties and a copy of this Notice of Removal is being filed with the Clerk of Court for the Circuit Court of the First Judicial Circuit in and for Milwaukee County, Wisconsin.

* **Please Note:** this information is being submitted with regard to the amount in controversy as it relates to federal jurisdiction and is not to be construed as an admission of liability by Defendant with respect to this action or damages alleged.

For the reasons foregoing, Defendant, ACE American Insurance Company, hereby removes this matter from the Circuit Court of the First Judicial Circuit in and for Milwaukee County, Wisconsin to the United States District Court for the Eastern District of Wisconsin, Milwaukee Division.

Dated this **8th** day of **October, 2015**.

Respectfully Submitted,

By: **s/ Timothy A. Bascom**
State Bar No.: 1010017
Attorney for ACE American Ins. Co.
Bascom, Budish & Ceman, S.C.
2600 North Mayfair Road, Suite 1140
Wauwatosa, WI 53226
Telephone: (414) 774-8835
Fax: (414) 476-8545
Email: tbascom@bbclaw.com

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-mail and/or U.S. Mail to Counsel listed below on this, the **8th day of October, 2015.**

By: s/ **Timothy A. Bascom**
State Bar No.: 1010017
Attorney for ACE American Ins. Co.
Bascom, Budish & Ceman, S.C.
2600 North Mayfair Road, Suite 1140
Wauwatosa, WI 53226
Telephone: (414) 774-8835
Fax: (414) 476-8545
Email: tbascom@bbclaw.com

SERVICE LIST

FRANK R. TERSCHAN, ESQ.
TERSCHAN, STEINLE, HODAN & GANZER, LTD.
Attorneys for Plaintiffs
309 N. Water Street, Suite 215
Milwaukee, Wisconsin 53202
(p) 414-258-1010